

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-mc-01231 NCC
)	
FOUR THOUSAND, EIGHT HUNDRED)	
FIFTY DOLLARS (\$4,850.00) U.S.)	
CURRENCY; and)	
)	
FOUR THOUSAND, SEVEN HUNDRED)	
SIXTY DOLLARS (\$4,760.00) U.S.)	
CURRENCY,)	
)	
Defendants.)	

MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jonathan A. Clow, Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. On June 11, 2024, the defendant property was seized from Michael Bethel during the course of a criminal investigation.
2. All of the written notice of intent to forfeit required by Title 18, United States Code, Section 983(a)(1)(A) to be sent by the Bureau of Alcohol, Tobacco, Firearms and Explosives to interested parties has been sent.
3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).

4. The only people to file administrative claims to the defendant property with the Bureau of Alcohol, Tobacco, Firearms and Explosives are Michael Bethel and Kelly Bethel on August 26, 2024 and September 3, 2024.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed ***may extend the period for filing a complaint for good cause shown*** or upon agreement of the parties.

6. Title 18, United States Code, Section 983(a)(3)(B) also provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

7. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges on or about November 24, 2024.

8. The United States has an ongoing criminal investigation regarding the conduct giving rise to the forfeiture of the property. If a civil complaint is filed, any discovery in a civil case would impede the Government's ability to conduct its ongoing criminal investigation and would also create a burden on the claimant's right against self-incrimination. Should the property be returned to the claimant there would be no assurance that the property would be available as evidence in any subsequent court proceedings.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the Court extend the period in which the United States is required to file a Complaint against the property and/or to return criminal charges until February 22, 2025.

Dated: November 14, 2024

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jonathan A. Clow

JONATHAN A. CLOW, #68003(MO)
Assistant United States Attorney
111 South 10th Street, Suite 20.333
Saint Louis, Missouri 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2777
Jonathan.Clow@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2024, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Kelly Bethel
3105 Yale Blvd.
St. Charles, MO 63301

Michael Bethel
3105 Yale Blvd.
St. Charles, MO 63301

/s/ Jonathan A. Clow

JONATHAN A. CLOW, #68003(MO)
Assistant United States Attorney